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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,342	10/23/2001	Michael Sogard	NIKOP027/PA0427	7706

22852 7590 08/03/2005

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EXAMINER

SHIBUYA, MARK LANCE

ART UNIT PAPER NUMBER

1639

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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101038,342

10/23/2001

SOGARD

07303.0127-00000

EXAMINER

Shibuya

ART UNIT	PAPER
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1639

07302005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attached communication.

Mark L. Shibuya  
Examiner  
Art Unit: 1639

### Notice of Non-Responsive Amendment

1. Claims 33-52 are pending. Claims 38-52 were newly added in the amendments to the claims, entered 5/17/2005.
2. The reply filed, entered 5/17/2005, is not fully responsive to the prior Office Action because of the following omission(s) or matter(s), (see 37 CFR 1.111):

Newly amended independent claim 33, and its dependent claims, are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 33 is now amended to recite an apparatus comprising a solution of a *target* molecule and a *substrate* therein; whereas formerly claim 1 was drawn to an apparatus comprising a container having a solution of *DNA* therein. Therefore, claim 33 as now amended is so broadened in scope as to claim target molecules different from DNA; the specification teaches that such a target can include DNA, RNA or protein. Furthermore, the solution now recites a new limitation to a *substrate* therein.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. See 37 CFR 1.142(b) and MPEP § 821.03.

3. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in

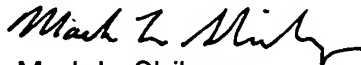
Art Unit: 1639

order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Shibuya whose telephone number is (571) 272-0806. The examiner can normally be reached on M-F, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mark L. Shibuya  
Examiner  
Art Unit 1639

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